IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

WRIT PETITION NO. 5943 OF 2005 .

M/s Bullows Paints and Equipment
Pvt. Ltd., Thane. .. Petitioner.

V/s.

Shri P.N. Lolge & ors. ... Respondents.

Shri V.K. Wasnik for the petitioner.

Shri N.R. Kolte for respondent No.1.

CORAM : V.C.DAGA, J.

DATED : 13.12.2005.

P.C. :

. Heard learned Counsel for the petitioner.

2. By this petition, petitioner is challenging the orders dated 6.7.2005 passed by the Industrial Court,Thane, in Revision Application (ULP) No. 106 of 2004, thereby confirming the order passed by the IIIrd Labour Court, Thane, dated 6.10.2004 and 29.3.2003 passed in Misc. Application (ULP) No. 12/2003 and Complaint (ULP) No. 226/2000, which was an application for setting aside award passed by the Labour Court, by which petitioner was directed to reinstate the complainant with full backwages and continuity of service with effect from 28.4.2000.

3. It is not in dispute that in spite of several opportunities, petitioner did not appear

before the Labour Court and opposed the complaint. It is also not in dispute that the petitioner was served with notice by their advocate dated 31.12.2003, calling upon them to pay his professional fees. However, petitioner did not respond to the same. Therefore, the Labour Court again issued notice dated 20.12.2002 , calling upon petitioner to remain present at the hearing on 16.1.2003. Even this notice was not responded to by the petitioner.

4. In the above circumstances, both the Courts below have rightly dismissed the application. No case is made out to set aside the order passed by the Labour Court and confirmed by the Industrial Court.

5. The view taken by the Courts below is legal and based on material available on record. This Court not being a Court of appeal is not expected to reappreciate evidence and come to its own conclusion. If two views are possible and one of them is taken, no fault can be found with the same. Petition is, therefore, dismissed in limine with no order as to costs.